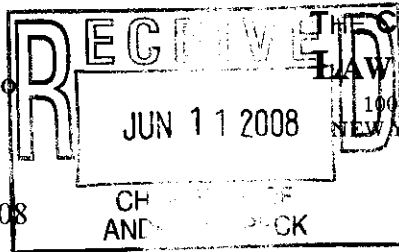


MICHAEL A. CARDOZO
Corporation Counsel



June 9, 2008

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007-2601

EDWIN M. LEVY
Senior Counsel, Commercial and
Real Estate Litigation Division
Room 3-241
Phone: (212) 788-1185
Fax: (212) 788-8872
elevy@law.nyc.gov

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BY HAND

Honorable Lewis A. Kaplan
United States District Judge
United States District Court
500 Pearl Street
New York, NY 10007

MEMO ENDORSED *p2*

Re: *William A. Gross Construction Associates, Inc. v.
American Manufacturers Mutual Insurance
Company, and other actions, 07-CV-10639
(LAK)*

Dear Judge Kaplan:

This office represents Fourth-Party Defendant Dormitory Authority of the State of New York ("DASNY") in the above-referenced matter. We respectfully request a conference to discuss an application by DASNY to extend its time to add new parties from June 1, 2008 to at least June 24, 2008.

At the conference held on April 3, 2008, Your Honor directed that DASNY's response to the Fourth-party Complaint was due on May 20, 2008 and that any additional parties be added by June 1, 2008 (11 days later). In the time since, DASNY's time to respond to the Fourth-Party Complaint has been extended to June 13, 2008. Unfortunately, while I did request and receive extensions of time to respond, due to inadvertence on my part and a period of illness in the interim, I did not request a similar extension of DASNY's time to add new parties. As a result, DASNY is in the unusual situation of not yet having to respond to the Fourth-Party Complaint but not being able to add necessary and proper parties to the litigation. Accordingly, we respectfully request a conference to make an application to extend DASNY's time to add new parties, at the earliest, to June 24th (11 days after the response to the Fourth Party Complaint is due) and to discuss issues which may arise from this extension.

The reason we are seeking a conference, rather than simply making a request by this letter, is due to the unusual relationship of this litigation to the on-going work at the subject

THE CITY OF NEW YORK LAW DEPARTMENT

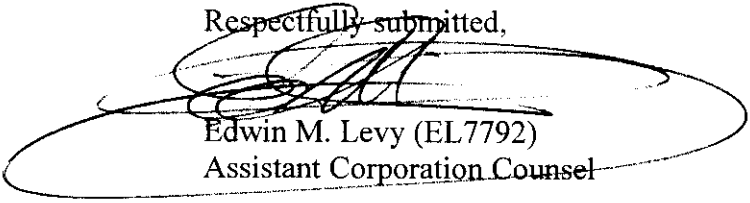
Honorable Lewis A. Kaplan

June 9, 2008

Page 2

project. As Your Honor may recall, this action arises out of the construction of the Bronx County Hall of Justice ("BCHJ" or the "Project"). The BCHJ is an occupied and operating New York courthouse housing approximately 50 courtrooms in which criminal cases, both felonies and misdemeanors, are adjudicated. The Project has engendered approximately \$72 Million in highly complex claims by various prime contractors.¹ In addition, there is unfinished and remedial work that is either ongoing or being planned. In some instances, contractors with claims against DASNY, and/or contractors against whom DASNY may have claims, are participating in this work. We therefore most respectfully request the opportunity to confer with the Court briefly to discuss our request for an extension of time to add additional parties.

Respectfully submitted,



Edwin M. Levy (EL7792)
Assistant Corporation Counsel

Cc: **(By Hand)**

Honorable Andrew J. Peck
United States Magistrate Judge
United States District Court
500 Pearl Street
New York, NY 10007

Dunnington, Bartholow & Miller, L.L.P.
477 Madison Avenue, 12th Floor
New York, NY 10017
Attn: Carol A. Sigmond, Esq.

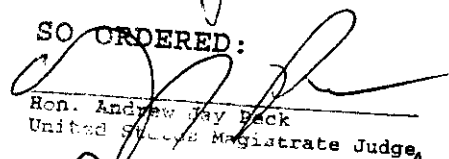
Zichello & McIntyre, L.L.P.
420 Lexington Avenue, Suite 2800
New York, NY 10170
Attn: Vincent J. Zichello, Esq.

Ingram, Yuzek, Gainen, Carroll & Bertolotti, L.L.P.
250 Park Avenue
New York, NY 10177
Attn: Patricia Hewitt, Esq.

MEMO ENDORSED 6/24/08

At today's conference (see transcript),
I granted DASNY leave to file a
5th Party Complaint of 7/9, with
leave to amend 7/18.

SO ORDERED:



Hon. Andrew Jay Peck
United States Magistrate Judge

my PA: [illegible] sent
[illegible]
BY FAX

¹ To date, only one prime contractor other than Cauldwell Wingate has commenced an action against DASNY. That action is pending in New York State Supreme Court. Many of the other claimants are in negotiations with DASNY.

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: June 24, 2008

Total Number of Pages: 3

TO	FAX NUMBER
Carol A. Sigmond, Esq.	212-661-7769
Vincent J. Zichello, Esq.	212-972-5569
Patricia Hewitt, Esq.	212-907-9681
Edwin Levy, Esq.	212-788-8872

TRANSCRIPTION:

MEMO ENDORSED 6/24/08

At today's conference (see transcript), I granted DASNY leave to file a 5th Party Complaint by 7/9, with service to be made by 7/18.

Copy to: Judge Lewis A. Kaplan